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08 JUN -6 PM 1:25

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

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United States Golf Association, Inc.

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

UNITED STATES GOLF ASSOCIATION,
INC.

Plaintiff,

v.

VARIOUS JOHN and JANE DOES,
Individuals,

and

VARIOUS XYZ ENTITIES,

Defendants.

CASE NO. 08 CV 0981 JM JMA
UNDER SEAL

**AFFIDAVIT OF JOHN
SHANK**

I, John Shank, being duly sworn, hereby depose and say:

ORIGINAL

1 1. I am over eighteen (18) years of age and fully competent to make the
2 statements herein.

3 2. I have personal knowledge of the statements herein.

4 3. I am currently employed by Andy Frain Services, Inc. as a security
5 officer and report to Scott Dennison, Director of Special Events. Andy Frain Services, Inc.
6 is providing security and related services for the United States Golf Association ("USGA")
7 at the 2008 U.S. Open. I have worked for Any Frain Services, Inc. since 2006. In this
8 position, I have worked on the 2006 and 2007 United States Golf Championships.
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10 4. Over the last 18 years, since May 1989 through the present, I have been
11 employed as a police office with the Fort Wayne Police Department in Fort Wayne,
12 Indiana. I presently hold the rank of Sergeant.

13 5. I have also worked in the area of security at events such as the 1996 and
14 2002 Olympics, the Harley Davidson 100th Anniversary Tour, Super Bowls XXXVII,
15 XXXVIII, XXXIX, Polaris 50th Anniversary Celebration, the Dalai Lama's visit to Sun
16 Valley, Idaho, the Barrett Jackson Car Auction, the Vegas Grand Prix, the 2007 U.S. Open
17 Tennis Tournament, and at other major venues.

18 6. I hold a degree in Business Management from Tri-State University and
19 am currently completing work on a Masters in Business Administration at Indiana
20 Wesleyan University. I also have over 2000 documented hours of training in various law
21 enforcement topics.
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23 7. From June 2000 to February 2001, I was a Homicide Team Supervisor
24 of the Fort Wayne Police Department (the "Department"), responding to, and taking charge
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1 of homicide scenes and preparing after-incident reports. During this timeframe, I also
2 acted as the Sex Crimes Division Supervisor for the Department.

3 8. From February 2001 to July 2007, I was a Patrol Sergeant of the
4 Department's Southeast Division, supervising and monitoring 15 patrol officers and
5 responding to major incidents.

6 9. From July 2007 to the present, I have been the Gang Task Force
7 Supervisor for the Department, monitoring gang activity, gathering intelligence and
8 fostering a partnership with several federal and local enforcement agencies.

9 10. I have experience working with trademark owners in the enforcement of
10 laws related to counterfeit merchandise in conjunction with events such as Harley
11 Davidson's 100th Anniversary Tour and Polaris 50th Anniversary. My work related to
12 those orders involved the enforcement of the orders and the seizure of counterfeit
13 merchandise which bore registered trademarks.

14 11. As such, I am familiar with counterfeiting activity that takes place in the
15 United States with regard to certain events, such as sporting events and corporate
16 celebrations.

17 12. I am part of the security team related to the USGA's 2008 U.S. Open,
18 which will take place from June 12-15, 2008 (with practice rounds from June 9-11, 2008
19 and the chance of a playoff taking place on June 16, 2008) at Torrey Pines South Golf
20 Course.

21 13. Based upon my experience, I fully expect bootleggers and counterfeiters
22 to sell or offer for sale merchandise, including but not limited to, t-shirts and hats and other
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1 clothing and/or merchandise which contain and/or include trademarks and/or other indicia
2 which belong to USGA.

3 14. In my experience, the only effective enforcement and prevention
4 mechanism that exists to deter and prevent such unauthorized activity at such events, such
5 as the 2008 U.S. Open, is a Temporary Restraining Order and an Order of Seizure, without
6 providing advanced notice to the persons selling the counterfeit merchandise.
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8 15. In my experience, if advance notice is provided to the bootleggers, they
9 will not appear at a Court hearing and/or the counterfeit merchandise will disappear in part
10 or in its entirety.

11 I verify under penalty of perjury that the foregoing statements are
12 true and correct.

13 Executed this 4th day of June, 2008, in Fort Wayne, State of Indiana.

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16 John Shank
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